

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# OAKLAND CITY COUNCIL

Approved as to Form and Legality

  
City Attorney

2009 JUL -2 PM 7:00 RESOLUTION No. 82201 C.M.S.

Introduced by Councilmember \_\_\_\_\_

**RESOLUTION AUTHORIZING THE CITY/AGENCY ADMINISTRATOR TO MAKE GRANT AWARDS, ACCEPT GRANT FUNDS AND TAKE ACTION ON PROCUREMENT OF CERTAIN SUPPLIES, CONSTRUCTION LABOR AND MATERIALS EXCEEDING \$500,000.00 AND PROFESSIONAL SERVICES CONTRACTS EXCEEDING \$300,000.00 DURING THE CITY COUNCIL ANNUAL RECESS OF 2008 AS FOLLOWS:**

1. RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, ON BEHALF OF THE CITY OF OAKLAND, TO AWARD AN ON-CALL CONSTRUCTION CONTRACT TO THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER FOR CITYWIDE RESILIENT SAFETY SURFACES UNDER ADA (AMERICANS WITH DISABILITIES ACT) PLAY SURFACING PROJECT (NO. C274251) IN ACCORD WITH PLANS AND SPECIFICATIONS FOR THE PROJECT AND CONTRACTOR'S BID IN THE AMOUNT NOT-TO-EXCEED SIX HUNDRED THOUSAND DOLLARS (\$600,000.00); AND
2. RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, ON BEHALF OF THE CITY OF OAKLAND, TO APPROVE TWO BROWNFIELD CLEANUP REVOLVING LOAN FUND LOANS/GRANTS FROM THE CITY'S EXISTING ENVIRONMENTAL PROTECTION AGENCY / AMERICAN REINVESTMENT AND RECOVERY ACT-FUNDED LOAN PROGRAM TO: 1) DEBRA ESPOSITO FOR ENVIRONMENTAL REMEDIATION AT 2906 CHAPMAN STREET, RELATED TO THE DEVELOPMENT OF 12 UNITS OF HOUSING, FOR AN AMOUNT NOT-TO-EXCEED \$400,000.00; AND 2) ASPIRE CHARTER SCHOOL, FOR ENVIRONMENTAL REMEDIATION AT 1009-66<sup>TH</sup> AVENUE RELATED TO THE DEVELOPMENT OF A 420-STUDENT CHARTER SCHOOL, FOR AN AMOUNT NOT-TO-EXCEED \$1,000,000.00

**WHEREAS**, Federal, State and local grant agencies and Oakland City Council Rules of Procedure (Resolution No. 79006 C.M.S.), Rule 21, require the Council to authorize the City Administrator to accept and appropriate funds for which the City of Oakland has applied, and Council Rules of Procedure Rule 21 and Oakland Municipal Code Section 2.04.016 requires the Council to authorize acceptance of grant funds; and

**WHEREAS**, there are numerous federal, state or local grants that may become available to Oakland and that may require acceptance during the Council recess, which may be negatively impacted if not accepted in a timely manner; and

**WHEREAS**, Oakland Municipal Code Section 2.04.020 sets purchase approval/expenditures limits for the City Administrator during the annual Summer Recess of the City Council at \$500,000.00 for procurement of certain supplies, construction labor and materials and \$300,000.00 for professional services contracts; and

**WHEREAS**, there is one (1) purchase that exceeds these expenditure limits that would be ready for approval during the Council recess and may have negative impacts if not timely approved; and

**WHEREAS**, the following authorization is sought for a construction and professional services contract during the Council Summer Recess:

1. Resolution Authorizing the City Administrator, on Behalf of the City of Oakland, to Award an On-Call Construction Contract to the Lowest Responsive, Responsible Bidder for Citywide Resilient Safety Surfaces Under ADA (Americans With Disabilities Act) Play Surfacing Project (No. C274251) in Accord with Plans and Specifications For the Project and Contractor's bid in the Amount Not-To-Exceed Six Hundred Thousand Dollars (\$600,000.00); and

**WHEREAS**, the services agreements identified hereunder are temporary and of a professional, technical or scientific nature; and

**WHEREAS**, for the construction agreement identified herein the City lacks the equipment and qualified personnel to perform the necessary work, and the City Council finds that performance of the construction agreement identified herein is in the public interest because of economy, and services under these agreements will be temporary; and

**WHEREAS**, the City Council finds and determines that the performance of any of the professional services or construction agreements identified herein shall not result in the loss of employment or salary by any person(s) having permanent status in the competitive service; and

**WHEREAS**, Oakland City Council Rules of Procedure (Resolution No. 79006 C.M.S.) do not authorize the City Administrator to approve loans or grants during the annual Summer Recess and there are two (2) loans/grants that will require approval during the Council recess and may have negative impacts if not timely approved; and

**WHEREAS**, the following authorizations are sought for two Brownfield Cleanup Revolving Loan Fund Loans/Grants disbursements during the Council Summer Recess:

1. Resolution Authorizing The City Administrator, On Behalf Of The City Of Oakland, To Approve Two Brownfield Cleanup Revolving Loan Fund Loans/Grants from the City's Existing Environmental Protection Agency / American Reinvestment and Recovery Act-

Funded Loan Program to: 1) Debra Esposito for Environmental Remediation at 2906 Chapman Street, Related to the Development of 12 units of Housing, for an Amount Not-to-Exceed \$400,000.00; and 2) Aspire Charter School, for Environmental Remediation at 1009-66<sup>th</sup> Avenue Related to the Development of a 420-Student Charter School, for an Amount Not-to-Exceed \$1,000,000.00; and

**WHEREAS**, due to the urgent nature of all projects which may receive funding from the federal American Recovery and Reinvestment Act (ARRA) of 2009 may require that the City Administrator accept said federal monies prior to the return of the Council, though no such funds shall be appropriated without the Council's review and approval upon their return in September; now, therefore, be it

**RESOLVED:** That the City Council hereby authorizes the City Administrator to accept grant funds and enter into the Brownfield Revolving Loan Fund Loans/Grants and to enter into agreements for construction and professional services agreement set forth herein in the amounts stated; and be it

**FURTHER RESOLVED:** That the City Administrator shall publish and approve separate resolutions through the City Council/Redevelopment Agency annual recess agenda process for any contracts authorized hereunder prior to execution of the contract; and be it

**FURTHER RESOLVED:** That the City Administrator shall, in accordance with the Council's Rules of Procedure, Rule 21, make a full and complete report to the City Council at its first regularly scheduled meeting in October, of the actions taken pursuant to this resolution, at which time the City Council may make such findings and confirm said actions as may be required; and be it

**FURTHER RESOLVED:** That the City Attorney shall approve all contracts as to form and legality prior to execution and a copy shall be placed on file with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 21 2009, 20      

**PASSED BY THE FOLLOWING VOTE:**

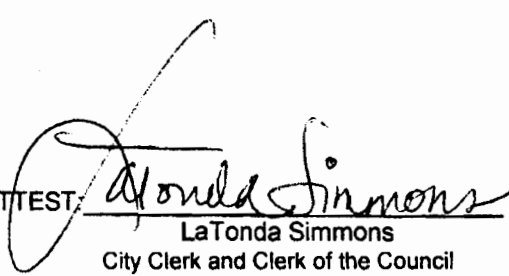
AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER — 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST

  
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California